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**COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO**

CITY OF SIERRA VISTA,

Plaintiff/Appellee,

v.

ANTHONY S. WENC,

Defendant/Appellant.

No. 2 CA-CV 2018-0010

Cochise County Superior Court
Cause No. CV201700395

**MOTION FOR
ORAL ARGUMENT**

Under Arizona Rule of Civil Procedure 18(a), Defendant/Appellant Anthony Wenc respectfully moves the Court to grant oral argument. This appeal presents recurring issues of statewide importance in several areas, including:

- (1) defining what constitutes “inoperative” or “inoperable” vehicles, when the vehicles are parked on private property, can be made street ready in a short period of time, and the owners of the vehicles do not operate them on any public highways;
- (2) deciding if the general and comprehensive state laws on motor-vehicle registration, operability, and insurance preempt local laws, codes, and ordinances defining whether a vehicle is “inoperative” or “inoperable;”

- (3) determining if the City of Sierra Vista's Code creates an unconstitutional presumption; and
- (4) ascertaining if the City of Sierra Vista Code's treatment of "litter," "trash," and "debris" is unconstitutionally vague and facially invalid.

Oral argument on these issues of recurring, statewide importance would significantly aid the Court in deciding the appeal.

DATED this 26th day of November, 2018.

AHWATUKEE LEGAL OFFICE, P.C.

/s/ David L. Abney, Esq.
David L. Abney
Appellate Counsel for
Defendant/Appellant Anthony S. Wenc

Certificate of Compliance

This document: (1) uses Times New Roman 14-point proportionately spaced typeface for text *and* footnotes; (2) contains 340 words (by computer count); and (3) averages less than 280 words per page, including footnotes and quotations.

Certificate of Service

The undersigned lawyer certifies that he electronically filed this document with the Clerk of Division Two, Arizona Court of Appeals, and electronically delivered copies of it to:

- Nathan J. Williams, Esq., Sierra Vista Attorney, **CITY OF SIERRA VISTA**, 1011 N. Coronado Dr., Sierra Vista, AZ 85635, Nathan.Williams@sierravistaaz.gov, (520) 458-3315, Attorneys for Plaintiff/Appellee City of Sierra Vista.

/s/ David L. Abney, Esq.
David L. Abney